

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

THIS DOCUMENT RELATES TO:

## All Cases

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)

**SAINT THOMAS ENTITIES' MOTION TO COMPEL MEDICAL SALES  
MANAGEMENT, INC. TO PRODUCE CERTAIN MATERIALS**

The Saint Thomas Entities<sup>1</sup> hereby file this motion to compel Medical Sales Management, Inc. and Medical Sales Management SW, Inc. (collectively “MSM”) to produce certain materials in response to the Saint Thomas Entities’ First Set of Interrogatories, Requests for Production, and Requests for Admission.<sup>2</sup>

This MDL concerns the sale of contaminated medication by NECC to health care providers across the country. Defendant MSM was the sole distributor of NECC product, and trained its employees to market it. Accordingly, the Saint Thomas Entities have sought those training and marketing materials, which are highly relevant and discoverable under the Federal Rules. Because MSM has failed to produce such materials, the Saint Thomas Entities have filed this motion to compel.

WHEREFORE, the Saint Thomas Entities respectfully request that this Court compel MSM to produce the marketing and training materials requested by the Saint Thomas Entities

<sup>1</sup> Saint Thomas West Hospital f/k/a St. Thomas Hospital; Saint Thomas Health; and Saint Thomas Network.

<sup>2</sup> Although counsel for the Saint Thomas Entities and MSM are currently working cooperatively in developing search terms to guide MSM's production of documents with respect to other categories of documents sought, the Saint Thomas Entities reserve the right to compel production from MSM in the event that it becomes necessary.

(Requests No. 7 and 10), including the narrow set of readily identifiable marketing and training materials listed by the Government in its correspondence with MSM's owners, directors and managers.

Dated: Sept. 14, 2015

SAINT THOMAS WEST HOSPITAL F/K/A ST.  
THOMAS HOSPITAL, SAINT THOMAS  
HEALTH, AND SAINT THOMAS NETWORK

By their attorneys,

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\*Appearing Pro Hac Vice

**CERTIFICATE OF CONFERENCE**

I certify that counsel for the MSM was contacted regarding whether they opposed the relief requested in this motion for clarification but no agreement was reached.

/s/ Sarah P. Kelly  
Sarah P. Kelly

**CERTIFICATE OF SERVICE**

I certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing this 14<sup>th</sup> day of September, 2015.

/s/ Sarah P. Kelly  
Sarah P. Kelly

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